

1:19 MJ 9280

**AFFIDAVIT**

Your Affiant, Adam T. Lane, deposes and states:

1. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and has been so employed since August of 2018. Prior to employment in law enforcement your affiant received a Bachelor of Arts in Criminal Justice and a Master of Business Administration from Lindenwood University in St. Charles, Missouri. Prior to becoming a Special Agent with ATF, your Affiant was a Special Agent and Trainee with the United States Secret Service from October 2017 through August 2018. Your affiant was also a St. Louis County Police Officer from December 2007 to October 2017 serving in the Divisions on Patrol and Special Operations. Your Affiant has completed the St. Louis County and Municipal Police Academy, the Federal Criminal Investigator Training Program, the United States Secret Service Special Agent Basic Training Academy in Beltsville Maryland, and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. In addition to the firearms, arson, and explosives related training received in these courses, your Affiant has also conducted and participated in numerous investigations involving firearms, firearms trafficking, and the straw purchase of firearms.

**PROBABLE CAUSE  
October 19, 2019- Berea Gun Show**

2. On October 19, 2019, ATF Agents and Task Force Officers (TFO) conducted surveillance at the Berea Gun Show being held at the Cuyahoga County Fairgrounds (19201 E. Bagley, Middleburg Heights, OH). ATF Special Agents and Task Force

Officers were attending the gun show in an undercover capacity. While walking around the gun show Thomas DEBARDELABEN was observed to be walking with DeCarlo BRISCOE and Joseph Lewis throughout different buildings within the fairground complex. DEBARDELABEN, BRISCOE, and Lewis stopped at several booths throughout the venue and looked at firearm and accessories. BRISCOE then was observed sitting at the table of Sticks and Stones Armory. Sticks and Stones Armory is a Federal Firearms Licensee (FFL # 4-34-055-07-0F-05467). BRISCOE was observed to be speaking with Sticks and Stones Armory FFL's.

3. SA Lane observed BRISCOE handling a firearm at the booth while speaking with the FFLs. The firearm was later determined to be a Chiappa Firearms (Charles Daly Defense), 9mm caliber pistol, Model PAK-9, bearing a serial number of R0NVMB71707115. BRISCOE then completed an ATF Form 4473. Several minutes later BRISCOE was observed leaving the Sticks and Stones Armory booth without a firearm. DEBARDELABEN followed BRISCOE onto the gun show floor. SA Lane observed BRISCOE hand DEBARDELABEN what appeared to be U.S. Currency.
4. DEBARDELABEN then responded back to the Sticks and Stones Armory table. DEBARDELABEN was observed speaking with the FFL's and handling the same firearm that BRISCOE had previously been handling. DEBARDALABEN then sat down at the booth and completed an ATF Form 4473 and handed the FFL an amount of U.S. currency. Several minutes later DEBARDELABEN walked away from the booth carrying a pistol case and the Model PAK-9 firearm. BRISCOE and Lewis followed DEBARDELABEN onto the gun show floor, at which time DEBARDELABEN handed BRISCOE the PAK-9 firearm, which was not in a case.

5. Copies of the ATF Form 4473's that were completed by BRISCOE and DEBARDELABEN were obtained. Examination of the ATF Form 4473's completed by BRISCOE and DEBARDELABEN revealed that BRISCOE attempted to purchase a Chiappa Firearms (Charles Daly Defense), 9mm caliber pistol, Model PAK-9, bearing a serial number of RNVMB71707115. Upon completion of the ATF Form 4473 the FFL contacted the NICS Branch, at which time a Delayed response was given. Examination of the ATF Form 4473 that was completed by DEBARDELABEN revealed he purchased the same exact firearm (a Chiappa Firearms (Charles Daly Defense), Pistol, 9mm, Model PAK-9, bearing a serial number of RNVMB71707115) that BRISCOE had attempted to purchase and was subsequently delayed by the NICS Branch.
6. BRISCOE, DEBARDELABEN, and Lewis, exited the venue and began to walk towards the parking lot. BRISCOE was observed carrying the PAK-9 firearm that DEBARDELABEN had purchased. SA Lane and SA Miles followed BRISCOE, DEBARDELABEN, and Lewis onto the parking lot. SA Lane and SA Miles identified themselves and advised BRISCOE, DEBARDELABEN, and Lewis of their investigation.
7. BRISCOE stated that DEBARDELABEN had purchased the PAK-9 firearm for him. BRISCOE stated he had first attempted to purchase the firearm, however was DELAYED. BRISCOE stated he then gave DEBARDELABEN \$600.00 in cash to purchase the firearm for him. BRISCOE stated he believed the FFL ran his name wrong, which caused him to get DELAYED. DEBARDELABEN admitted to purchasing the firearm for BRISCOE. SA Lane seized the PAK-9 firearm.

#### D. CONCLUSION

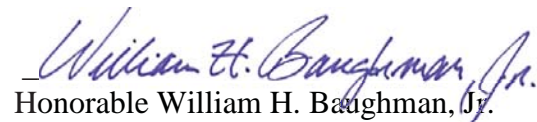
8. Based upon the above listed facts and circumstances, your Affiant believes and asserts that there is probable cause to believe on October 19, 2019 Thomas DEBARDELABEN did knowing **Make a False Statement in the Acquisition of a Firearm, in violation Title 18, United States Code, Sections 922(a)(6).**
9. The above violation was committed in the Northern District of Ohio, Eastern Division. Your Affiant requests that an arrest warrants be issued for Thomas DEBARDELABEN.



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Adam Lane, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Sworn to via telephone after submission by reliable electronic means. Pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on this 30th day of October, 2019



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Honorable William H. Baughman, Jr.  
United States Magistrate Judge  
Northern District of Ohio  
Eastern Division